



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/797,481      | 03/10/2004  | John G. Stark        | 3223.01US02         | 3292             |

62274 7590 09/17/2007  
DARDI & ASSOCIATES, PLLC  
220 S. 6TH ST.  
SUITE 2000, U.S. BANK PLAZA  
MINNEAPOLIS, MN 55402

|          |
|----------|
| EXAMINER |
|----------|

REIMERS, ANNETTE R

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3733

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

09/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/797,481

Applicant(s)

STARK, JOHN G.

Examiner

Michael B. Priddy

Art Unit

3733

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael B. Priddy. (3) \_\_\_\_\_

(2) Elizabeth Shipsides. (4) \_\_\_\_\_

Date of Interview: 11 September 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 21.

Identification of prior art discussed: US 5,334,205 to Cain.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
EDUARDO C. ROBERT  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ms. Shipsides argued that the Cain reference does not teach "inserting an immobilization/fusion element into the opening of the sacroiliac joint between the ilium and the sacrum" as set forth in claim 21 but, rather, discloses inserting an immobilization/fusion element across the SI joint through the bones of the joint. The Examiner maintains that, as depicted in Fig. 5 of Cain, while the immobilization/fusion element of Cain does extend into both the sacrum and the ilium, a small portion thereof also extends into the opening of the sacroiliac joint between the ilium and the sacrum. Therefore, Cain teaches "inserting an immobilization/fusion element into the opening of the sacroiliac joint between the ilium and the sacrum."